



03-08-01

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PATENTDocket No. 172.2USDC2

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Murty N. Arimilli, Norbert W. Bischofberger, Kenneth C. Cundy, Robert J. Jones, William A. Lee, Kuei-Ying Lin, Michael S. Louie, Lawrence R. McGee, and Ernest J. Prisbe

For (title): Nucleotide Analogs

1. Type of Application

This new application is for a(n) (*check one applicable item below*):

Original
 Design
 Divisional
 Continuation
 Continuation-in-part (CIP)

2. Benefit of Prior Application(s)

Any prior applications are hereby incorporated by reference into the patent application filed herewith.

A. Relate Back

Amend the specification by inserting, before the first line, the following sentence(s):

(1) 35 U.S.C. 119(e)

"This application claims the benefit of U.S. Provisional Application(s) No(s).

filed _____

(2)(a) 35 U.S.C. 120, 121 and 365(c)

"This application is a
 continuation
 continuation-in-part
 divisional

of copending application(s)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this "New Application Transmittal" and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date March 7, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EJ199094763US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Vicki Collins

(Type or print name of person mailing paper)

(Signature of person mailing paper)

application number U.S.S.N. 09/247,497 filed February 10, 1999, which is a continuation application of 09/071,420 filed May 1, 1998, now abandoned, which is a divisional application of 08/617,849 filed May 6, 1996, now Patent No. 5,798,340, which is a continuation application of PCT/US94/10539, filed September 16, 1994, which is a continuation-in-part application of 08/193,341, filed February 8, 1994, now abandoned, which is a continuation-in-part application of 08/123,483, filed September 17, 1993, now Patent No. 5,656,745.

(2)(b) "Application number _____ claims the benefit of U.S. Provisional Application No. _____

B. Relate Back--35 U.S.C. 119 Priority Claim

This or a prior U.S. application(s), identified above in Item 2a, claim(s) foreign priority(ies) as follows:

Country	Appl. No.	Filed on
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C. Maintenance of Copendency of Prior Application

Extension of time and/or response in the copending **prior** application extended the time for response until _____.
 A copy of the petition filed in the copending prior application is attached.
 A Conditional Petition for Extension of Time was filed in the copending prior application.

D. Abandonment of Prior Application

Please abandon the prior application at a time (1) while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and (2) when this application is granted a filing date, whereby this application is copending with said prior application.

E. Notification in Parent Application of This Filing

A notification of the filing of this
 continuation
 continuation-in-part
 divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

3. Papers Enclosed Which Are Required for Filing Date Under 37 CFR 1.53 (b) (Regular) or 37 CFR 1.153 (Design) Application

<u>117</u>	Pages of specification
<u>27</u>	Pages of claims
<u>1</u>	Pages of Abstract
<u>7</u>	Sheets of drawing
<input checked="" type="checkbox"/>	formal
<input type="checkbox"/>	informal

4. Declaration or Oath

Enclosed (copy from immediate parent application)
 executed by (check *all* applicable boxes)
 inventor(s).
 legal representative of inventor(s). 37 CFR 1.42 or 1.43
 joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 14 below for fee.
 Not enclosed.
 Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all* the above named inventor(s).
 Showing that the filing is authorized.

5. Inventorship Statement

The inventorship for all the claims in this application are:

The same
 Are not the same.

6. Language

English
 non-English
 the attached translation is a verified translation. 37 CFR 1.52 (d).

7. Assignment

the prior application is assigned of record to:
GILEAD SCIENCES, INC.

 is attached.
 A separate "RECORDATION FORM COVER SHEET" is also attached.
 A separate FORM PTO 1906 is also attached.
 will follow.

8. Certified Copy

Certified copy(ies) of application(s)

(country)	(application no.)	(filed)
from which priority is claimed		
<input type="checkbox"/>	is(are) attached.	
<input type="checkbox"/>	will follow.	

9. Amendments

There is provided herewith a Petition to Suspend Prosecution for the Time Necessary to File An Amendment

Cancel in this application original claims - 1-51 before calculating the filing fee.

Claims added by preliminary amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application. Fees for claims, if any, added by way of the preliminary amendment have been included in the calculation below.

10. Additional Papers Enclosed

Preliminary Amendment
 Information Disclosure Statement (37 CFR 1.98)
 Form PTO-1449
 Citations
 Declaration of Biological Deposit
 Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
 Authorization of Attorney(s) to Accept and Follow Instructions from Representative
 Other _____

11. Fee Calculation (37 CFR 1.16)

A. Utility application

CLAIMS AS FILED					
	Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16 (a) \$710.00	
Total Claims (37 CFR 1.16 (c))	1	- 20 = 0	X \$18.00		
Independent Claims (37 CFR 1.16 (b))	1	- 3 = 0	X \$80.00		
Multiple dependent claim(s), if any (37 CFR 1.16 (d))			X \$270.00		
	<input type="checkbox"/> Amendment canceling extra claims enclosed. <input type="checkbox"/> Amendment deleting multiple-dependencies enclosed. <input type="checkbox"/> Fee for extra claims is not being paid at this time.				
	Filing Fee Calculation			\$ 710.00	

B. Design application

(\$330.00---37 CFR 1.16 (f))

Filing Fee Calculation

\$

12. Small Entity Statement(s)

Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

Filing Fee Calculation (50% of A or B above)

Applicant has established small entity status by the filing of a statement in parent application _____ on _____.

A copy of the statement previously filed is included.

13. Request for International-Type Search (37 CFR 1.104 (d))

Please prepare an international-type search report for this application at the time when national examination on the merits take place.

14. Fee Payment Being Made At This Time

Not Enclosed

No filing fee is to be paid at this time.

Enclosed

basic filing fee \$ 710.00

recording assignment (\$40.00; 37 CFR 1.21 (h))

petition fee for filing by other than all the inventors or person

on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 and 1.17 (h))

for processing an application with a specification in a non-English language. (\$130.00; 37 CFR 1.52(d) and 1.17 (k))

processing and retention fee (\$130.00; 37 CFR 1.53 (d) and 1.21 (l))

fee for international-type search report (\$40.00; 37 CFR 1.21 (e)).

Total fees enclosed

\$ 710.00

15. Method of Payment of Fees

Check in the amount of

Charge Account No. 07-1250 in the amount of
A duplicate of this transmittal is attached.

\$ 710.00

16. Power of Attorney

The power of attorney in the prior application is to

Mark L. Bosse	35,071
Max D. Hensley	27,043
Daryl D. Muenchau	36,616

A. The power appears in the original papers in the prior application (copy is enclosed).
 B. Address all future communications to:

Max D. Hensley
Gilead Sciences, Inc.
333 Lakeside Drive
Foster City, CA 94404
(650) 522-5878

17. Contingent Petition for Extension of Time

If a paper is untimely filed in the subject application by applicant(s) or her/his/their representative, the Commissioner is hereby petitioned under 37 C.F.R. §1.136(a) for the minimum extension of time required to make said paper timely.

18. Authorization to Charge Additional Fees

The Commissioner is hereby authorized by this document to charge any additional fees which may be required by this paper and during the entire pendency of this application to Account No. 07-1250, except the issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b).

19. Instructions as to Overpayment

credit Account No. 07-1250
 refund

Reg. No. 27,043

Tel. No.: (650) 522-5878



SIGNATURE OF ATTORNEY

Max D. Hensley

Type or print name of attorney

Gilead Sciences, Inc.
 333 Lakeside Drive
 Foster City, CA 94404